

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

2016 MAR 21 AM 9:29

CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY 

ONE WORLD FOODS, INC.,

Plaintiff,

v.

STUBBS AUSTIN RESTAURANT  
COMPANY LC, FBR MANAGEMENT, LLC,  
MIKE FARR, MATT LUCKIE and JEFF  
WAUGHTAL,

Defendants.

Civil Action No. 1:15-cv-1071-SS

**SCHEDULING ORDER**

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following  
Scheduling Order:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed by **March 25, 2016**.
2. Plaintiff shall submit a written offer of settlement to Defendants by **March 10, 2016**, and Defendants shall respond, in writing, by **March 17, 2016**. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further ORDERED to retain the written offers of settlement and responses as the Court will use these in assessing attorney's fees and court costs at the conclusion of trial.
3. Each party shall complete and file the "Notice Concerning Reference to United States Magistrate Judge" on or before **March 25, 2016**.
4. The parties shall file all amended or supplemental pleadings and shall join additional parties by **March 25, 2016**.



5. Any party asserting claims for affirmative relief shall disclose its testifying experts and proposed expert exhibits by serving, not filing, the disclosure on all parties by **October 7, 2016**. Any party resisting claims for relief shall disclose its testifying experts and proposed expert exhibits by serving, not filing, the disclosure on all parties by **October 7, 2016**. All designations of rebuttal experts shall be served, not filed, within **fifteen days** of receipt of the report of the opening expert.

Any witness who will present an opinion at trial is considered an expert, and the disclosure must contain a written summary of the witness's testimony in an expert report. The Fed. R. Civ. P. 26 standard is not applicable to this paragraph; it does not make any difference whether or not the expert witness is a "retained expert," as an opinion or testimony of any expert not contained in the expert report will not be permitted at trial.

6. Any objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within **eleven days** of receipt of the written report of the expert's proposed testimony or within **eleven days** of the expert's deposition, if a deposition is taken, whichever is later.

7. The parties shall complete all fact discovery on or before **September 30, 2016**. The parties shall complete all expert discovery on or before **November 11, 2016**. Counsel may by agreement continue discovery beyond these deadlines, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

8. All dispositive motions shall be filed no later than **December 1, 2016** and shall be limited to twenty pages. Responses to dispositive motions shall be filed not later than fourteen

days after the filing of the motion and shall be limited to twenty pages. A reply in support of a dispositive motion shall be filed not later than seven days after the filing of the response to the motion and shall be limited to ten pages, but the Court need not wait for the reply before ruling on the motion.

9. The case is set for docket call ~~March 1, 2017~~ <sup>July 28, 2017</sup> at 11:00 a.m., and trial in the month of ~~April~~ <sup>August</sup> 2017. At docket call, the parties shall submit a short, one paragraph statement of the parties' contentions, voir dire questions, proposed jury instructions and verdict forms, exhibit and witness lists, and any motions in limine.

SIGNED and ENTERED this 18<sup>th</sup> day of March 2016.

  
THE HONORABLE SAM SPARKS  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

-VS-

Case No.

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NOTICE CONCERNING REFERENCE TO  
UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. § 626(c), Federal Rules of Civil Procedure 73, and the Local Rules of the United States District Court for the Western District of Texas, the following party: \_\_\_\_\_

through counsel: \_\_\_\_\_

hereby (select one):

- ☐ consents to having a United States Magistrate Judge preside over the trial in this case.
- ☐ declines to consent to trial before a United States Magistrate Judge.

Respectfully submitted,

By: \_\_\_\_\_  
Attorney for: \_\_\_\_\_